

Docket No.: 249212022900
Attorney Docket No.: Q03-1041
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel R. SKAAR

Application No.: 10/758,935

Group Art Unit: 2627

Filed: January 14, 2004

Examiner: B. Miller

For: AUXILIARY MEMORY IN A TAPE
CARTRIDGE

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action mailed December 27, 2007 (Paper No. Mail Date 20071222), which set forth a Restriction Requirement/Election of Species for pending claims 1-43. A response is due on January 27, 2008. A petition and fee for a one-month extension of time is enclosed herewith, extending the time for response to February 27, 2008. Accordingly, this response is timely filed.

The Examiner states that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-24, 40-42, drawn to a cartridge, classified in class 360, subclass 132.
- II. Claims 25-27, 43, drawn to system drive, classified in class 360, subclass 85.
- III. Claims 28-39, drawn to a method of writing/using the cartridge, classified in class 360, subclass 75.

Applicant elects group III, drawn to a method of writing/using the cartridge, without traverse.

Applicant expressly reserves the right under 35 U.S.C § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application. Applicant notes that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim. Applicant requests that upon the allowance of a generic claim, the remainder of the species be included as permitted by 37 C.F.R. §1.141(a).